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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,930

01/19/2006

Marcel Blanco

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ALEXANDRIA, VA 22320-4850

EXAMINER

LEE, KEVIN L

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

04/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,930	Applicant(s) BLANCO, MARCEL	
	Examiner KEVIN L. LEE	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/8/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: the specification lacks the customary paragraph headings, i.e., "BACKGROUND OF THE INVENTION, " "BRIEF DESCRIPTION OF THE DRAWINGS, " etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "of the type" in line 1 of claim 1 and line 2 of claim 2 is indefinite. In claims 16 and 17, "the magnet" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 13, 14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerbier et al (U.S. Patent No. 5,140,320). Gerbier et al discloses a remote control comprising a body (25) having a cavity in which a pushrod (28) is disposed, the control including a handle (322) and transverse skirt (23) and detection means (32, 33) for detecting the position occupied by the head end of the pushrod, col. 3, line 38 through col. 4, line 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerbier et al in view of Yajima et al (U.S. Patent No. 6,786,237). The remote control of Gerbier et al lacks having the detection means comprising a magnet free of mechanical contact. The patent to Yajima et al teaches the use of a magnet (21) disposed within a spool (3) to determine the position of the spool, the detection means including a Hall-effect sensor, col. 5, lines 3-56. In view of the teaching of Yajima et al, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the remote control of Gerbier et al to include a magnet disposed within the foot end of the pushrod and a Hall-effect sensor as an alternate means of detecting the movement of the pushrod from the open to closed positions. In particular regards to

claim 16, it would have been obvious to one of ordinary skill in the art to internally bear the magnet in the foot end of the pushrod to protect the magnet from the fluid within the device.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al (U.S. Patent No. 5,823,227) in view of Corso et al (U.S. Patent No. 5,320,123). The patent to Hori et al discloses a valve comprising a body (1) having a cavity in which a pushrod (13) is disposed, the valve including a handle (6) having a transverse skirt (8) mounted to pivot with respect to the body, first elastic return means (36), and an intermediate portion (12a) moving as one with the head end and foot end (11) of the pushrod. The valve of Corso et al lacks having a detection means for detecting the position of the pushrod. The patent to Corso et al teaches providing a magnet (62) within a valve spool (18) and Hall-effect sensor (60) to detect movement of the magnet so that the position of the spool can be detected, col. 5, lines 35-59. In view of the teaching of Corso et al, it would have been obvious to one of ordinary skill in the art to modify the valve of Hori et al to include a magnet and Hall-effect sensor to detect the movement of the pushrod between the rest position and the depressed position.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al (U.S. Patent No. 5,823,227) in view of Corso et al (U.S. Patent No. 5,320,123) as applied to claim 17 above, and further in view of Kadlicko (U.S. Patent No. 5,313,844). The Hall-effect sensor of Corso et al is not disclosed to be embedded in resin. Kadlicko

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teaches embedding a Hall-effect sensor (52) in resin (54) to sealingly and firmly locate the sensor within the member (48), col. 2, line 66 through col. 3, line 2. In view of the teaching of Kadlicko, it would have been obvious to one of ordinary skill in the art at the time of the invention to use resin to sealingly and firmly locate the sensor within the valve body.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L. LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GREGORY HUSON can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN L LEE/

Primary Examiner, Art Unit 3753

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